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JUN 11 2002  
HUBR 1186 (10102735)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dony, et al.  
Serial No. : 09/806,635  
Filing Date : April 2, 2001  
For : USE OF A MELANOMA INHIBITING ACTIVITY FACTOR (MIA) FOR CARTILAGE AND BONE REPAIR

May 30, 2002

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on May 30, 2002

Eileen Sheffield

  
Signature

May 30, 2002  
Date

SUBMISSION OF COPIES OF COMMUNICATIONS TO USPTO

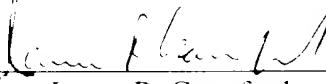
SIR:

Enclosed are copies of Applicants Response to the Notification of Defective Declaration mailed July 12, 2001 and a copy of a Letter mailed September 28, 2001, along with copies of the accompanying documents and the return postcards indicating these documents were received by the USPTO. It is respectfully requested that they be entered into the record, as it appears that the original submissions have been lost. Any fees due to maintain pendency of this application, authorization is granted to charge such fees to Deposit Account No. 50-0624.

Respectfully submitted,

**FULBRIGHT & JAWORSKI L.L.P.**

By

  
James R. Crawford  
Reg No. 39,155

666 Fifth Avenue  
New York, N.Y. 10103  
Enclosures



**526 Rec'd PCT/PTO 16 JUL 2001**

Case HUBR-1186 (10102735) (JRC) Serial No 09/806,635

Date Mailed: July 12, 2001 Date Due: July 25, 2001

The following was mailed to the U.S. Patent and Trademark Office

**RESPONSE TO NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION AND NOTIFICATION  
OF A DEFECTIVE RESPONSE**

**COPY OF NOTICE**

**REQUEST FOR THE RECORDAL OF A CHANGE UNDER RULE 92<sup>BS</sup>**

**POWER OF ATTORNEY**

Please acknowledge receipt of these documents by stamping and returning this postcard.



HUBR 1186 (10102735)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Dony, et al.  
Serial No. : 09/806,635  
Filing Date : April 2, 2001  
For : USE OF A MELANOMA INHIBITING ACTIVITY FACTOR (MIA) FOR CARTILAGE AND BONE REPAIR

July 12, 2001

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on July 12, 2001

Eileen Sheffield

*Eileen Sheffield 7/12/01*  
Signature

Date

**RESPONSE TO NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION  
AND NOTIFICATION OF A DEFECTIVE RESPONSE**

SIR:

In response to the Notification of a Defective Oath or Declaration and the Notification of a Defective Response dated June 25, 2001 (copies attached), enclosed is a copy of a Request for the Recordal of a Change under Rule 92<sup>bis</sup> together with a Power of Attorney filed in the parent PCT application. If any fees are due to maintain pendency of this application, authorization is granted to charge such fees to Deposit Account No. 50-0624.

Respectfully submitted,

**FULBRIGHT & JAWORSKI L.L.P.**

By

*James R. Crawford*  
James R. Crawford  
Reg No. 39,155

666 Fifth Avenue  
New York, N.Y. 10103  
(212) 318-3000  
Enclosure



## WEICKMANN & WEICKMANN

Patentanwälte  
European Patent Attorneys · European Trademark Attorneys

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DIPLO.-ING. DR. J. PRECHTEL  
DIPLO.-CHEM. DR. B. BÖHM  
DIPLO.-CHEM. DR. W. WEISS  
DIPLO.-PHYS. DR. J. TIESMEYER  
DIPLO.-PHYS. DR. M. HERZOG  
DIPLO.-PHYS. DR. B. RUTTENSPERGER  
DIPLO.-PHYS. DR. V. JORDAN  
DIPLO.-CHEM. DR. M. DEY

IHR ZEICHEN / YOUR REF.

--

UNSER ZEICHEN / OUR REF.  
23388P WO/HBbj

DATUM / DATE  
Jul 10, 2001

Patentanmeldung Nr. PCT/EP00/00623  
Use of a melanoma inhibiting activity factor (MIA) for  
cartilage and bone repair

Request for the recordal of a change under rule  
92<sup>bis</sup>.

The name of inventor/applicant for US Ulrike Leser  
has changed to Ulrike Leser-Reiff. Recording of the  
changed name is requested. A Power of Attorney  
form is enclosed.

Dipl.-Chem. Dr. B. Böhm

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HUBR 1186 10102735

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Dony, et al.  
Serial No. : 09/806,635  
Filing Date : April 2, 2001  
For : USE OF A MELANOMA INHIBITING ACTIVITY  
FACTOR (MIA) FOR CARTILAGE AND BONE  
REPAIR

September 28, 2001

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope  
addressed to Commissioner of Patents and Trademarks, Washington,  
D.C. 20231 on September 28, 2001

Eileen Shefield *Eileen Shefield* 9/28/01  
Signature Date

**LETTER**

SIR:

Applicants submits herewith the official confirmation of the International bureau that the  
change of name of Ulrike Leser has been recorded.

Respectfully submitted,

**FULBRIGHT & JAWORSKI L.L.P.**

By

*James R. Crawford*  
James R. Crawford  
Reg No. 39,155

666 Fifth Avenue  
New York, N.Y. 10103  
(212) 318-3000  
Enclosure

## PATENT COOPERATION TREATY

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

7. SEP. 2001

WEICKMANN & WEICKMANN  
Kopernikusstrasse 9  
D-81679 München  
ALLEMAGNE

Date of mailing (day/month/year) 31 August 2001 (31.08.01)
Applicant's or agent's file reference Case 20311
International application No. PCT/EP00/00623

International filing date (day/month/year)  
27 January 2000 (27.01.00)

## IMPORTANT NOTIFICATION

1. The following indications appeared on record concerning:				
<input checked="" type="checkbox"/> the applicant <input checked="" type="checkbox"/> the inventor <input type="checkbox"/> the agent <input type="checkbox"/> the common representative				
Name and Address LESER, Ulrike Elisabethstrasse 26 D-80796 München Germany		State of Nationality DE		State of Residence DE
		Telephone No.		
		Facsimile No.		
		Teleprinter No.		
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:				
<input type="checkbox"/> the person <input checked="" type="checkbox"/> the name <input type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence				
Name and Address LESER-REIFF, Ulrike Elisabethstrasse 26 D-80796 München Germany		State of Nationality DE		State of Residence DE
		Telephone No.		
		Facsimile No.		
		Teleprinter No.		
3. Further observations, if necessary:				

4. A copy of this notification has been sent to:	
<input checked="" type="checkbox"/> the receiving Office <input type="checkbox"/> the designated Offices concerned <input type="checkbox"/> the International Searching Authority <input checked="" type="checkbox"/> the elected Offices concerned <input type="checkbox"/> the International Preliminary Examining Authority <input type="checkbox"/> other:	

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Gabriele BAEHR Telephone No.: (41-22) 338.83.38
---	--



09/80635

U.S. APPLICATION NO.

Commissioner for Patents, Box P.O. 7  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

09/80635

FIRM

HUBER, STREETER &amp; KNAPP

INTERNATIONAL APPLICATION NO.

PCT/US01/01072

EXPIRATION DATE

PRIORITY DATE

11 JUN 2001 09/80635

DATE MAILED

11 JUN 2001

## NOTIFICATION OF A DEFECTIVE RESPONSE

1.  The request for an extension of time (37 CFR 1.136(a)) filed \_\_\_\_\_ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).
2.  Applicant's response filed \_\_\_\_\_ was received in the Office after the expiration of the period for response set in the Office notification mailed \_\_\_\_\_. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).
3.  Applicant's response filed 04 JUN 2001 is hereby acknowledged. The following requirements set forth in the NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed 27 April 2001 have not been completed.

Translation of the international application into English.  
 which is defective for the reasons indicated on the attached Notice of Defective Translation

Processing fee (37 CFR 1.492(f))

Oath or Declaration of inventors(s).  
 not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

SurchARGE (37 CFR 1.492(e)).

Sequence Listing  
 not in compliance with 37 CFR 1.821-1.825 for the reasons indicated on the attached PCT/DO/EO/920.

Additional claim fees

*If there is a change in INVENTOR & ESER ULRIKE'S  
name, please submit the relevant document. I  
do not have a form I836 indicating any change.*

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements (Form DO/EO/905) may be extended under 37 C.F.R. § 1.136(a).

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed:  PCT/DO/EO/917  Notice of Defective Translation

PCT/DO/EO/920 FELTRIGHT & JAWORSKI, LLP  
NEW YORK DOCKETING

Docketed  Not Required Winston M. Alvarado  
Previously  Updated

Docket No: HUBER 1186 Telephone: 703-305-6421

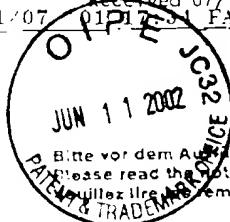
Action: Response (1 mo.)

Reminder: 11/18/2001

Date: Due/Done 7/25/2001

Initials: mg

DOCKET DEPT.  
RECEIVED  
01 JUN 28 2001  
R.M. 53  
FELTRIGHT & JAWORSKI, LLP



## VOLLMACHT<sup>1</sup> / AUTHORISATION<sup>1</sup> / POUVOIR<sup>1</sup>

Bitte vor dem Ausfüllen des Formblatts Rückseite beachten  
Please read the notes overleaf before completing the form  
Veuillez lire les remarques au verso avant de remplir le formulaire

Nr. der Anmeldung (des Patents) / Application/Patent No. /  
N° de la demande (du brevet)

Zeichen des Vertreters (der Vertreter) (max. 15 Positionen)  
Representative's Reference (max. 15 spaces)  
Référence du (des) mandataire(s) (5 caractères ou espaces  
au maximum)

23388P WO

PCT/EP00/00623

Ich (Wir) / I (We) / Je (Nous)<sup>2</sup>

Gabriele Proetzel

Ulrike Leser - Reiff

bevollmächtigte(n) hiermit / do hereby authorise / autorise (autorisons) par la présente<sup>3</sup>

WEICKMANN & WEICKMANN

Patentanwälte

European Patent Attorneys

European Trade Mark Attorneys

Postfach 860 820 · 81635 München

Weitere Vertreter sind auf einem gesonderten Blatt angegeben. / Additional representatives indicated on supplementary sheet /  
 Les autres mandataires sont mentionnés sur une feuille supplémentaire.)

mir (uns) zu vertreten als / to represent me (us) as / à me (nous) représenter en tant que

Anmelder oder Patentinhaber / applicant(s) or patent proprietor(s) / demandeur(s) ou titulaire(s) du brevet,

Einsprechenden (Einsprechende) / opponent(s) / opposant(s).

für mich (uns) zu handeln in den durch das Europäische Patentübereinkommen geschaffenen Verfahren in der (den) folgenden europäischen Patentanmeldung(en) oder dem (den) folgenden europäischen Patent(en)<sup>4</sup> und Zahlungen für mich (uns) in Empfang zu nehmen;  
to act for me (us) in all proceedings established by the European Patent Convention concerning the following European patent application(s) or patent(s)<sup>4</sup> and to receive payments on my (our) behalf;  
à agir en mon (notre) nom dans toute procédure instituée par la Convention sur le brevet européen et concernant la (les) demande(s) de brevet ou le (les) brevet(s) européen(s) suivant(s) et à recevoir des paiements en mon (notre) nom;

Use of a melanoma inhibiting activity factor (MIA)  
for cartilage and bone repair

Weitere Anmeldungen oder Patente sind auf einem gesonderten Blatt angegeben. / Additional applications or patents indicated on supplementary sheet / Les autres demandes ou brevets sont mentionnées sur une feuille supplémentaire.

Die Vollmacht gilt auch für Verfahren nach dem Vertrag über die internationale Zusammenarbeit auf dem Gebiet des Patentwesens.  
This authorisation shall also apply to the same extent to any proceedings established by the Patent Cooperation Treaty.  
Ce pouvoir s'applique également à toute procédure instituée par le Traité de coopération en matière de brevets.

Diese Vollmacht gilt auch für eventuelle europäische Teilanmeldungen. / This authorisation also covers any European divisional applications. / Le présent pouvoir vaut également pour les demandes divisionnaires européennes qui pourraient être déposées.

Untervollmacht kann erteilt werden. / Sub-authorisation may be given. / Le pouvoir pourra être délégué.

Ich (Wir) widerrufe(n) hiermit frühere Vollmachten in Sachen der obenbezeichneten Anmeldung(en) oder des obenbezeichneten Patents (der obenbezeichneten Patente)<sup>5</sup>. / I (We) hereby revoke all previous authorisations in respect of the above application(s) or patent(s)<sup>5</sup>. / Je révoque (Nous révoquons) par la présente tout pouvoir antérieur, donné pour la (les) demande(s) ou le (les) brevet(s) mentionnés ci-dessus<sup>5</sup>.

Or/Place/Lieu

X Menlo Park, CA

Datum/Date

X 12. 09. 2000

Unterschrift(en) / Signature(s)<sup>6</sup>

Gabriele Proetzel

Ulrike Leser - Reiff

G. Proetzel

U. Leser - Reiff

Das Formblatt muß vom (von den) Vollmächtigem (en) (bei juristischen Personen vom Unterschriftberechtigten) eigenhändig unterschrieben sein. Nach der Unterschrift bitte den (die) Namen des (der) Unterzeichneten mit Schreibmaschine wiederholen (bei juristischen Personen die Stellung des Unterschriftberechtigten innerhalb der Gesellschaft angeben).  
The form must bear the personal signature(s) of the authoriser(s) (in the case of legal persons, that of the officer empowered to sign). After the signature, please type the name(s) of the signatory(ies) adding, in the case of legal persons, his (her) position within the company.

Le formulaire doit être signé de la propre main du (des) mandant(s) (dans le cas de personnes morales, de la personne ayant qualité pour signer). Veuillez ajouter à la machine, après la signature, le (les) nom(s) du (des) signataire(s) en mentionnant, dans le cas de personnes morales, ses (leur) fonctions au sein de la société.



CASE # HUBR-1186 (10102735) (JRC) U S.Seri. No. 09/806,635

MAILED: Sept. 28, 2001 DUE:

**The stamp of the Patent Office hereon may be taken as acknowledgment of receipt, on the date stamped, of the following:**

LETTER

Notification of the Recording of a Change of Name



533 Rec'd PCT/PTO 03 OCT 2001